GOVERNMENT OF MYSORE

BEFORE THE LABOUR COURT, HUBLI

Application ID (LCH) Claim No. 27/1968.

Presiding Officer: Sri D. Ponnurangum, B.A., B.L.

Dated 27th November 1968.

Claimant:

Sri Gangadharaiah, Rachaiah, Luthimatt, Tambadgalli, Hubli.

Vs.

Respondent:

Sri J. P. Jabin, Managing Partner, M/s. P. C. Jabin, General Merchants and Commission Agents, Hirepet Hubli.

This is an application filed by the claimant above-named, under section 33 C(2) of the Industrial Disputes Act, 1947, against the respondent above-named for the recovery of Rs. 2,550 as detailed in the annexure to the application. After receipt of the application, the respondent was served with a notice and he was so served on 12th October 1968 as per the postal acknowledgment, which is available in the records of this case. He was given some time. When the case was called on 23rd October 1968, he was absent and hence, the case was posted for further proceedings to 2nd November 1968. On that date the respondent was still absent and the case was adjourned for filing the objection statement by 8th November 1968. On 8th November 1968 the respondent was again absent and no objection statement was filed to the claim application. Therefore, the case was posted for hearing today. Even today, when this case was called, the respondent was absent. Therefore, I treated him *ex parte* as provided under Rule 23 of the Industrial Disputes Rules, 1957. The claimant examined himself and closed his case. As the respondent was absent, I have cross-examined the claimant to find out the truth or otherwise of his claim.

2. The grievance of the claimant is that he was working under the respondent initially on a yearly salary of Rs. 1,500 and lastly on a yearly salary of Rs. 1,800 as the year commenced for the respondent firm from Deepavali of one year to the next Deepavali of succeeding year. That he was serving under the respondent for about 3 years. Having completed three years his evidence shows that on 24th June 1968, there was a balance of Rs. 900 due to him

from the respondent a portion of which, when claimed by him, he was not only refused payment of the same but he was discharged from the service without notice and without complying with the provisions of Section 25 F of the Industrial Disputes Act. In all the claims a sum of Rs. 2,475 as per the details shown hereunder :

		Rs.
1.	Claim for the balance for the year 1966-67 due to him ..	900-00
2.	Claim for his pay for 8 months during 1967-68 at Rs. 1,800 per year ..	1,200-00
3.	Pay *in lieu* of retrenchment notice ..	150-00
4.	Retrenchment compensation for 45 days ..	25-00
	Total ..	2,475-00

3. The cross-examination of this claimant shows that he was in service under the respondent for only three years and that during the first year of his service, the business of the respondent was prosperous and during the two successive years it deteriorated and deteriorated in consequence of which, the respondent had retrenched most of his workers and he says there has been a slack in the business of the respondent during the second and third year of his joining service and there was reduction in the income of the business of the respondent. He says that during the first two years of his service, he was paid Rs. 1,500 per year and during the year 1967 Deepavali, he was given an enhancement of salary of Rs. 1,800 per year from Rs. 1,500. The reason given by him is that he was the sole salesman having heavy responsibility to shoulder and that therefore, he was given the increment of Rs. 300 per year. There is no order by the respondent in writing that his salary was enhanced. When he says that the business was deteriorating stage by stage and that there was a corresponding reduction in the income I find very difficult to believe the claimant when he says that under these pressing circumstances his employer had given him enhancement, as I find such a conduct appears to be against the normal course of human conduct. Therefore, I refuse to believe him when he says that there was an increment of Rs. 300 for the year 1967-68. I hold that his salary was Rs. 1,500 for that year also. Ultimately, I think, the claimant is entitled to receive from the respondent a sum of Rs. 2,212-50 as per the details shown hereunder :—

		Rs. P.
1.	The balance of his salary for 1966-67 ..	900-00
2.	His 8 months salary for 1967-68 at of Rs. 1,500 per year	

3.	Notice pay as contemplated under Section 25F	125-00
4.	Retrenchment compensation for 3 years for every 15 days average pay ..	187-50
	Total ..	2212-50

ORDER

4. I determine that a sum of Rs. 2,212-50 is due to the claimant from the respondent, and I direct the respondent firm to pay the same to the claimant within one month from this date. Under the circumstances of the case, I make no order as to costs.

5. I direct the office of this Court to submit true copy of this decision to the Secretary to Government of Mysore, Food. Civil Supplies and Labour Department, Mysore Government Secretariat, Vidhana Soudha, Bangalore as required Under section 33 C(4) of the Industrial Disputes Act.

Dictated to the Stenogapher, transcribed and typed by him and then pronounced by me in open Court this 27th day of November 1968 at Hubli.

Hubli,
30-11-1968.

D. PONNURANGAM,
Presiding Officer,
Labour Court, Hubli.

"True Copy"

D. PONNURANGAM,
Presiding Officer,
Labour Court, Hubli.